

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CENOBIO HUMBERTO HERRERA, SR.,)	NO. CV 11-6486-RSWL (MAN)
)	
Petitioner,)	
)	
v.)	ORDER ACCEPTING FINDINGS AND
)	
LINDA SANDERS,)	RECOMMENDATIONS OF UNITED STATES
)	
Respondent.)	MAGISTRATE JUDGE
)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus ("Petition"), all of the records herein, the Report and Recommendation of United States Magistrate Judge ("Report"), and petitioner's Objections to the Report. The Court has conducted a *de novo* review of those portions of the Report to which objections have been stated in writing.

Petitioner has appended several documents to his Objections. A district court has discretion, but is not required, to consider evidence presented for the first time in objections to a report and recommendation. See Brown v. Roe, 279 F.3d 742, 744-45 (9th Cir. 2002);

1 United States v. Howell, 231 F.3d 615, 621-22 (9th Cir. 2000). The
2 Court exercises its discretion to consider the documents appended to
3 petitioner's Objections. Having done so, the Court concludes that the
4 documents do not affect the correctness of the Report's conclusions.
5 The Court accepts the findings and recommendations set forth in the
6 Report.

7
8 Accordingly, IT IS ORDERED that: (1) the Petition is denied; and
9 (2) Judgment shall be entered dismissing this action with prejudice.

10
11 IT IS FURTHER ORDERED that the Clerk shall serve copies of this
12 Order and the Judgment herein on the parties.

13
14 LET JUDGMENT BE ENTERED ACCORDINGLY.

15
16 DATED: 10-1-12.

17
18 RONALD S.W. LEW
19 _____
20 SENIOR UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28